

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAHEIM CHAPMAN-GREEN,

Plaintiff,

v.

THE CITY OF NEW YORK POLICE
DEPARTMENT,

Defendant.

24-CV-1449 (RA)

ORDER OF SERVICE

RONNIE ABRAMS, United States District Judge:

Plaintiff brings this pro se action against the New York City Police Department (“NYPD”), alleging that police officer Mark A. Matias used excessive force when he “forcefully dragged” Plaintiff out of his car. Plaintiff also alleges that the officer illegally searched the vehicle without probable cause or reasonable suspicion. Plaintiff paid the filing fees to commence this action.

As an initial matter, Plaintiff’s claims against the NYPD must be dismissed because an agency of the City of New York is not an entity that can be sued. N.Y. City Charter ch. 17, § 396 (“[A]ll actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the city of New York and not in that of any agency, except where otherwise provided by law.”); *see Osby v. City of New York*, No. 1:23-CV-1731-GHW, 2023 WL 3996649, at *1 (S.D.N.Y. June 14, 2023).

In light of Plaintiff’s pro se status, the Court will nevertheless construe Plaintiff’s complaint as asserting claims against the City of New York and against Officer Matias. Accordingly, the Clerk of Court is respectfully directed to issue summonses for the City of New York and Officer Matias and to amend the case caption to replace the NYPD with these Defendants. *See* Fed. R. Civ. P. 21.

Plaintiff is directed to serve the summons and complaint on each of these Defendants within 90 days of the issuance of the summons. If within those 90 days, Plaintiff has not either served those Defendants or requested an extension of time to do so, the Court may dismiss the claims against those Defendants under Rules 4 and 41 of the Federal Rules of Civil Procedure.

The Clerk of Court is further directed to mail a copy of this Order to Plaintiff, together with an information package.

SO ORDERED.

Dated: March 13, 2024
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

RONNIE ABRAMS
United States District Judge